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ABSTRACT

This booklet is intended to help familiarize Washington school board members with their legal powers and limitations. In nontechnical language, it summarizes relevant Washington laws, gives the legal reference for each, and quotes illustrative court decisions and attorney general opinions. The table of contents can be used as a key to look up legal points relating to general areas of concern, including legal powers of all school boards, additional powers of directors of first-class districts, additional powers of directors of second-class districts, and limitations upon boards. In addition, there is a detailed cross-index to assist readers in locating specific points of law. Because the booklet focuses on provisions of Washington state laws and court decisions, it will be of little value to school officials in other states. (Author/JG)

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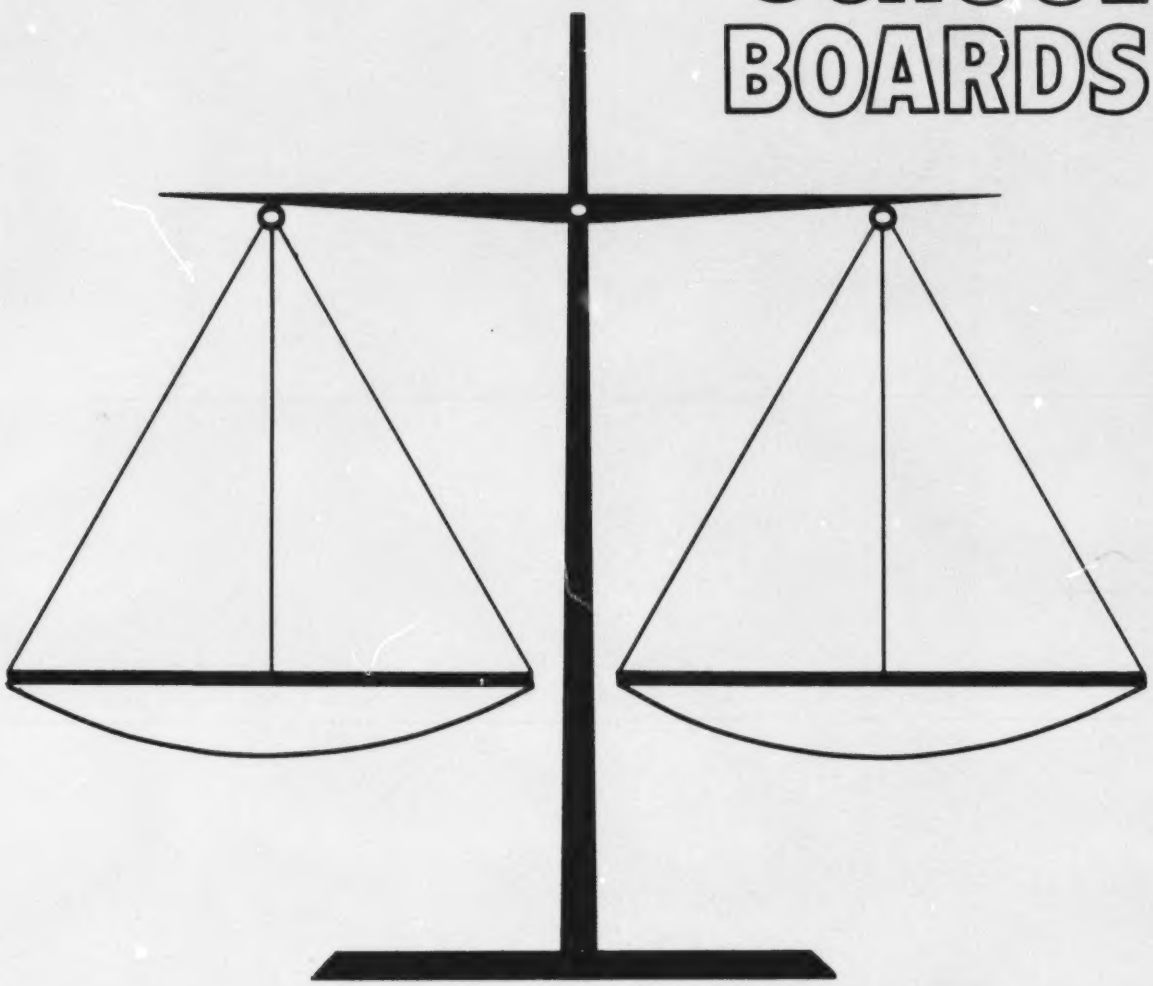

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PREFACE

School districts possess and can exercise the following powers and no other:

First,	*those granted in express words;*
Second,	*those necessarily or fairly implied in or incident to the powers expressly granted;*
Third,	*those essential to the declared objects and purposes of the district — not simply convenient but indispensable.*

Any fair or reasonable doubt concerning the existence of power is resolved by the courts against the district, and the power is denied.

Supreme Court of Washington
113-619

This booklet has been prepared to help school board members become familiar with their legal powers. These powers are broad and highly varied, making school boards one of the most independent and responsible of all governmental units. At the same time, it must be remembered that such boards have no powers except those granted by statute. As a result, familiarity with the law is of basic importance to all school board members.

The following pages, written in non-technical language, summarize the relevant laws, give the legal reference for each and quote illustrative court decisions and attorney generals' opinions. This information has been carefully organized so that the table of contents can be used as a key in looking up legal points relating to general areas of concern. In addition, a detailed cross-index will be found at the end of the booklet to assist in locating specific points of law.

Written in digest form, the following material can serve only as a guide, **not as a final source of counsel.** If you do not have access to the original laws, attorney generals' opinions or court decisions you are invited to call the WSSDA Olympia service office for a copy of the material desired. When making such a request, be sure to give the exact citation and paragraph number in this book.

When a particular point affects your district, you are urged to consult with your attorney. The county prosecutor serves school boards, and there is no charge for his services. In addition, each local board has the power to engage private counsel.

Key to Abbreviations

To save space, a number of common abbreviations have been used in the legal citations, opinions, decisions and rulings quoted. A key to those abbreviations follows:

AGO —**Attorney General's Opinion**

(When followed by a number (e.g., "42-71") it refers to the forty-second formal opinion published by the Attorney General in 1971.)

AGLO —**Attorney General's Letter Opinion**

WAC —**Washington Administrative Code**

(Includes rules and regulations by the State Board of Education or by the State Superintendent of Public Instruction.)

L. —**Laws of**

RCW —**Revised Code of Washington**

(Reference to complete source material including references to the session law source and parallel citations to statutes may be found in the history note which follows each section in RCW.)

Ch. —**Chapter (of the laws)**

Sec. —**Section (of a chapter)**

S.D. —**School district**

v. —**Versus**

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CHAPTER 1

LEGAL POWERS OF ALL BOARDS

Five authorities have major effect upon school boards' actions: the statutory law, court decisions, attorney general's opinions and rulings by the State Board of Education or by the State Department of Public Instruction. These are quoted in connection with each subject matter title in order to illustrate the nature and extent of boards' powers. In addition actions which the law requires boards to take are included, as such are obviously within their powers. Limitations upon boards' powers are covered in Chapter 5.

A. In Relation To Employees

Employment and Separation

All boards are empowered:

1. To employ certificated and non-certificated employees for not more than one year; to establish or alter their salaries (RCW 28A.58.100 and Splaine v. S.D. 122, 20 Wash. 74); and to employ a replacement for a discharged professional employee if the total budget will not be exceeded, or if the action can be justified as an emergency (AGO 11/6/46, p. 1109).

2. To employ teachers by written contract only (RCW 28A.67.070). An employee may not waive his rights under RCW 28A.67.070 or 28A.58.450 (AGLO 1974 No. 59). RCW 28A.67.070 applies only to a teacher's curricular duties in a certificated capacity and not to any additional or special assignments outside the required curriculum

whether or not the assignments are the subject of a supplemental contract (Kirk vs. Miller, 83 Wn. 2nd 777).

3. To employ teachers for twelve months although their salary payments will be made in two fiscal years (RCW 28A.58.100, and AGO 46-51, p. 371).

4. To employ and compensate teachers for extra work (AGO 10/27/47, p. 69).

5. To refuse teachers employment if they are not properly certificated (State Board regulation) and to refuse re-employment **or to honor an existing contract** if proper certification is not maintained (Kimball v. S.D. 122, 23 Wash. 520).

6. To re-employ, forthwith and without loss of seniority, status or pay, persons returning to employment with the district after completion of satisfactory military service (mandatory) (RCW 73.16.033).

7. To refuse re-employment if a professional employee's contract is not to be renewed. The board must give the employee written notice before April 15, including the reason or reasons for such action. Within ten days the employee may demand a hearing before the board. The employee may request either an open or closed hearing. Three days prior to the hearing the employee shall be notified in writing by the employer of the date, time and place of the hearing. The employee may subsequently appeal the decision of the board to the superior court having jurisdiction. (RCW 28A.67.070 Robel v. Highline S.D., 65 Wn. 2nd 477). Boards may employ a hearing officer to conduct non-renewal and discharge hearings of the board (RCW 28A.67.070 and RCW 28A.58.450). Any substantial reason for refusing re-employment is sufficient if it is for the good of the district, not malicious and backed up by competent evidence (AGO 55-57, No. 51). Also, conduct which would "affect the teacher's efficiency" may be sufficient cause for discharge (Gaylord vs. Tacoma S.D., 85 Wn. 2nd 348).

8. To employ builders and architects (Pehrson v. S.D. 334, 194 Wash. 334; AGO 53-55, No. 357).

9. To adopt a reduction in force policy before making reductions in personnel (Thayer vs. Anacortes S.D., 81 Wn. 2nd 709). Reductions in school staff for economic reasons must be made on the basis of any previously adopted criteria and must consider seniority as a factor only if it is one of the criteria previously established (Hill vs. Dayton S.D., 85 Wn. 2nd 204 and Pierce vs. Lake Stevens S.D., 84 Wn. 2nd 772).

10. To employ and discharge for sufficient cause personnel for the operation and supervision of lunchrooms (RCW 28A.58.136).

11. To employ non-certificated personnel to supervise students in non-instructional activities during regular lunch periods (RCW 28A. 58. 275).

12. To employ a practicing physician to protect pupils' health (RCW 28A.59.180) or, in the case of second class districts, employ a regularly licensed physician (RCW 28A.60.320) and licensed dental

hygienists under the supervision of a licensed dentist (RCW 18.29.050).

13. To appoint and pay one or more attendance officers in incorporated city districts (RCW 28A.27.040).

14. To employ paid adult crossing guards. A school district may utilize the services of volunteer crossing guards who are adults. There is no minimum age below which students enrolled in a public school may not be made members of the school patrol and assigned to guard street pedestrian crossings en route to and from school (AGLO 1974 No. 13).

15. To employ the superintendent of schools. The renewal of a superintendent's employment contract is solely within the discretion of the employer school board (RCW 28A.58.137).

16. To remove a district superintendent of schools from office because of age (AGO 6/12/47).

17. To discharge professional employees (RCW 28A.58.100 and 28A.58.450) when, in the board's judgment, such action is in the best interest of the school district, even though the discharge may technically constitute a breach of contract and subject the district to damages (AGO 11/6/46, p. 1109, and Andrus v. Church, 117 Wash. 627; Splaine v. S.D. 122, 20 Wash. 74; Van Dyke v. S.D. 77, 43 Wash. 235; Black v. S.D. 17, Benton Co., 47 Wash. (2nd) 42; Welch v. S.D. 1, King Co., 45 Wash. (2nd) 6). This statute does not limit the power of the directors to suspend a teacher pending a hearing provided his salary is not interrupted (Foster v. Carson S.D., 63 Wash. (2nd) 29). Further, a board may discharge any employee for refusing or neglecting to display the flag and hold weekly flag exercises (RCW 28A.02.030). School nurses are covered by RCW 28A.58.450 and RCW 28A.67.070 (RCW 28A.70.005; .04.120 and WAC 180-84-075).

18. To declare an employment contract void when a district's limitation of indebtedness has been exceeded (Wolfe v. S.D. 2, 58 Wash. 212).

19. To require certificated teachers as a condition of re-employment to sign and return their formal written employment contracts within a specified reasonable period of time after the mailing of these contracts to the teachers (AGO 1973, No. 3).

Negotiations

All boards are empowered:

20. To bargain collectively with the duly elected representative of the certificated employees in regard to wages, hours and terms and conditions of employment (RCW 41).

21. To enter into collective bargaining agreements with unions (RCW 41.56), but they may not execute any contract which involves the surrender of their discretion in hiring or dismissing school district employees (AGO 57-58, No. 229).

Insurance

All boards are empowered:

22. To purchase insurance for any director, officer, employee or agent of the school district as protection against judgments stemming from performance of duties (RCW 28A.58.423—.630).

23. To purchase hospitalization and medical aid insurance for employees and their dependents paying all or part of the cost from tax funds. The cost is defined as "additional compensation" (RCW 41.04.180—.190). Boards may designate specific categories of district employees to be covered by a group health policy or contract (AGO 65-66, No. 1).

24. To insure school buildings (RCW 28A.58.102, sec 1 and AGO 53—55, No. 359) and to contract for fire, theft and liability insurance covering a period of years (AGO 65-66, No. 17).

25. To provide employees with insurance to include, as a minimum, liability insurance covering injury to persons and property and insurance protecting the employees from loss or damage of their personal property (RCW 28A.58.425).

26. To provide liability, life or health, disability, accident and salary insurance for directors, students and employees and their dependents (permissive). The district may pay the liability insurance premiums from district funds (RCW 28A.58.420). If a school district provides medical insurance for its employees then the contract must entitle beneficiaries to choose between the services of each of the categories of licensees which are authorized to treat the particular covered illness or injury in question (AGO 1972, No. 5).

27. To provide insurance to protect the district against loss when employees are transporting pupils or elderly persons (RCW 28A.24.055).

Retirement

All boards are empowered:

28. To credit up to a maximum of 45 days sick leave toward an employee's retirement (mandatory) (RCW 28A.58.100). An employee utilizing this accumulated sick leave for that purpose is to receive no other compensation (AGLO 1973, No. 66).

29. To make all classified school district employees members of the State Employees' Retirement System (mandatory) (RCW 41.40.120 and .410 and AGO 65-66, No. 21).

30. To contract with and pay employees' prior service credits in the Washington State Employees' Retirement System (RCW 41.40.361, sec. 5).

31. To provide private pension and deferred annuity plans for employees in addition to existing retirement systems (RCW 41.04.250).

32. To require the district superintendent (in first class districts) or the educational service district superintendent of schools (in second class districts) to file, on or before a date specified by a board of trustees in each month, a list of professional employees with the Teachers' Retirement System and also to notify those employees concerning the provisions of the Teachers' Retirement System (mandatory) (RCW 41.32.420).

33. To consider public school teachers' pension payments as deferred compensation (State v. Cliff Yelle, 65 Wash. (2nd) 660). If desired by the board and the non-certificated employees who would be affected, the board may enter into an agreement with the federal security administrator in which the benefits of the Federal Old Age and Survivors Insurance system would be extended to those em-

ployees; require the district's employees to pay (and for that purpose to deduct from their wages) contributions; and make payments of these contributions and of its own funds to the Secretary of the Treasury in compliance with such agreement (RCW 41.48.030—.050;41.40.010, et seq).

34. To require deductions to be made from the salaries of all teachers for payment of Old Age and Survivors Insurance contributions and to supplement those payments in an equal amount from district funds (mandatory) (RCW 41.33.020).

Leaves of Absence

All boards are empowered:

35. To adopt written policies granting leaves to persons under contracts of employment (mandatory) (RCW 28A.58.100).

36. To adopt policies regarding emergency leave for school employees (mandatory) (RCW 28A.58.100).

37. To grant contracted employees 10 days leave for sickness or injury annually. Such leave shall accumulate, if unused, to a maximum of 180 days (mandatory) (RCW 28A.58.100).

38. To grant up to 15 days of paid leave to employees taking active training as members of the National Guard or any U.S. armed forces reserve (mandatory) (RCW 38.40.060 and AGO 59-60, No. 76). However, employees of the state or its political subdivisions are not entitled as a matter of right to a leave of absence for reserve meetings held during working hours (AGO 61-62, No. 81).

39. To exempt from the continuing contract law those certificated employees hired to replace other certificated employees who have been granted leaves of absence (RCW 28A.67.900). Under RCW 28A. 67.900, a school district may grant to a teacher a one year leave of absence, unpaid, when the teacher's position is not being terminated, and at the same time hire a replacement teacher for that person, with the express agreement that the replacement will resign at the end of the year to allow the district to meet its obligation to reassign the position to the original teacher (AGLO 1973, No. 49).

40. To grant teachers who are not to be renewed unpaid leaves of absence when such is included within an agreement by a school district to reduce its force of certificated teachers for financial reasons. Such unpaid leaves of absence, with the right to return at some future date if and when future vacancies occur, will be enforceable by a separated teacher only if it is supported by adequate legal consideration (AGO 1973, No. 9).

Compensation

All boards are empowered:

41. To adopt annual salary schedules and reproduce them (mandatory) (RCW 28A. 67.066).

42. To make salary deductions requested by at least 10% of the employees. This service is mandatory if feasible with the district's equipment and personnel (RCW 28A.67.095).

43. To deduct each month from an employee's salary or wages the amount of money the employee, in writing, designates for donation to the United Fund (RCW 41.04.035—.036).

44. To refuse to pay the salary of any teacher who refuses or neglects to enforce the course of study required by law, prescribed by the State Board of Education or the Superintendent of Public Instruction or contained in regulations of the district (RCW 28A.67.060).

45. To pay school district employees monthly (**not** bi-monthly) (AGO 59-60, No. 55).

46. To withhold a teacher's last salary warrant of the term or year until the educational service district superintendent has approved the teacher's annual report (Superintendents' or principals' reports shall, if made, be accepted in lieu of this requirement) (RCW 28A.67.040—.050).

47. To extend unemployment compensation to school district employees (RCW 50.44.030). Benefits shall not be provided to an employee who is conclusively presumed to have been re-employed pursuant to RCW 28A.67.070 (RCW 50.44.050).

48. To grant to employees the option of paying the employer's share of insurance premiums after there has been a labor dispute for less than 6 months (Ch. 117, Laws of '75).

All boards are empowered:

49. To require certificated employees to perform other duties within a new or supplemental contract which is not subject to the continuing contract law. Boards may, in addition, require employees to perform other reasonable duties on a temporary basis (RCW 28A.67.074).
Where a school district has entered into a supplemental contract with a certificated employee to serve as high school principal and athletic coach, as provided for in RCW 28A.67.074, the district may not terminate that individual's employment as principal and coach during the term of such contract without compliance with RCW 28A.58.450; it may, however, elect not to renew the contract without compliance with RCW 28A.67.070 (AGLO 1974, No. 31).

50. To prohibit any person who has been exposed to a contagious or infectious disease to be in or near school premises (RCW 28A.31.010).

51. To transfer sick leave, seniority and other accrued benefits for certificated personnel from one school district to another (mandatory) (RCW 28A.58.100).

52. To require physical examinations for school bus drivers and students taking physical education, boxing or wrestling, and to pay the costs involved (AGO 57-58, No. 138 and WAC 180-20-225).

53. To require an adequate surety bond of any person or firm engaged to work under contract (RCW 39.08).

54. To purchase tax-sheltered annuities for school employees (RCW 28A.58.560 and AGO 63-64, No. 61).

55. To establish evaluation criteria and procedures for all certificated employees (mandatory) requiring an annual evaluation of all employees (RCW 28A.67.065).

56. To provide a reasonable lunch period of not less than 30 continuous minutes per day (RCW 28A.58.275).

57. To require the district superintendent to serve as secretary of the board (RCW 28A.59.070—.60.010).

58. To compensate injured parties for damage arising from any illegal conduct on the part of the board or its employees or agents, provided that the suit is filed within the statute of limitations (RCW 4.96.010).

59. To authorize and pay for the defense of any director, officer, employee or agent of a school district against actions, claims or proceedings arising out of performance or failure of performance of duties (RCW 28A.58.630).

B. Property and Supplies

"A school district shall constitute a body corporate and shall possess all the usual powers of a corporation, and in that name and style may sue and be sued, and transact all business necessary for maintaining school and protecting the rights of the district, and enter into such obligations as are authorized by law" (RCW 28A.58.010).

In connection with the purchase and control of their districts' property and supplies, school boards are empowered:

60. To purchase and sell real and personal property in the name of the district and to receive, lease, issue and hold for their districts any real or personal property (RCW 28A.58.040—.070).

61. To engage an agent to negotiate the sale of real property. The board may not obligate the school district for fees for such service unless a sale is conducted for not less than 90% of the appraised value (RCW 28A.58.045). However, property may be sold for not less than 75% of appraised value if on the market for 3 years and with the unanimous consent of the board (RCW 28A.58.045).

62. To maintain, repair, furnish and insure school buildings (RCW 28A.58.102, sec 2).

63. To establish, operate, control, maintain and make reasonable charges for the use of school-owned camps (RCW 28A.58.010 and 67.20.015).

64. To obtain for school districts through the Department of Natural Resources, gravel, sand, rock and other materials from streams on state lands (including common school lands) without paying royalties (RCW 79.01.178).

65. To independently petition for annexation of school land to a city or town when the school property constitutes all of the property to be annexed (RCW 35.13.130 and AGO 51-53, p. 210).

66. To maintain, protect, and exercise custody over all school property and to convey title to the property by deed under certain conditions (RCW 28A.58.040). School boards may also lease school property for community fallout shelters (AGO 62, No. 160).

67. To undertake the many acts (enumerated) necessary for construction of a public work (RCW 39.28.010--.040).

68. To sell for cash real property no longer required for school purposes if of less than $35,000 value. The board may also purchase real property (RCW 28A.58.040), locate structures on it from other school sites and then sell the property at not less than 90 percent of its appraised value. If the property's value exceeds $35,000, its sale may be conducted at public auction or by other means consistent with realizing the highest price (RCW 28A.58.045).

69. To purchase equipment (e.g., a school bus) by use of a lease with option to buy. The total original price, the depreciated price at the end of each year and the cost of the annual lease should be specified in the agreement (RCW 28A.58.550 and WAC 392-27-045).

70. To record the conveyance of real property (mandatory) (RCW 65.08.095).

71. To lease, receive, hold, rent, purchase, or sell property (RCW 28A.58.045). The authority granted school directors to erect a school building is continued until such authority is taken away by the electors of the district.

72. To properly light, heat, and ventilate all school houses and to maintain in a clean and sanitary condition all school premises (RCW 28A.58.102).

73. To spend money for equipment and supplies before the preliminary budget has been approved (RCW 28A.65.170).

74. To obtain competitive bids on any furniture, supplies, equipment, construction, improvements, repairs or other work or purchases costing $2,500 or more (mandatory). The lowest responsible bidder shall be awarded the job. Exception is allowed if delay would cause the district material injury (RCW 28A.58.135 and 39.04.020). A school district calling for bids prior to letting a contract may specify an item by brand name or name of manufacturer without an additional clause inviting bids on similar items of equal quality and serviceability, providing the public officials have not drafted the specifications arbitrarily and capriciously and are acting in good faith (AGO 61-62, No. 24). The board may handle the purchase and the installation of an article under separate contracts and have the installation done by district employees, if the cost does not exceed $2,500. (Nat'l. Electrical Contractors Assn., Puget Sound Chapter, et al, v. Seattle S.D. No. 1, 66 Wash. (2nd) 10).

75. To determine who constitutes "the lowest responsible bidder" (RCW 43.19.1911) or to "prequalify" bidders. (Does not refer to school boards but is the best available guideline in law).

76. To purchase an additional school site if authorized by a majority of the electors (AGO 2/26/47, p. 17).

77. To determine the area of land needed for suitable buildings, playgrounds, student activity areas, and related facilities in order to establish an adequate school in accordance with present day educational requirements (Stojack v. S.D. 10, Pierce Co., 53 Wash. (2nd) 55).

78. To claim exemption from paying inheritance taxes for gifts, bequests, devises and transfers of property to the district (RCW 83.20.010).

79. To purchase state school land for a school site (RCW 79.01.096). The provisions of RCW 79.01.780 require a reversion to the state of the interest conveyed under either RCW 79.01.096 or 79.01.770 in the event the land thus acquired has not been utilized for a school site for that seven-year period immediately preceding a given annual determination by the board of natural resources—regardless of whether or not the land may have earlier been so utilized for seven previous years (AGLO 1974, No. 80).

80. To annex territory which contains no school or school site, has already been annexed to a city or town in the district and is requested by 75 percent of the registered voters. The annexation order must be issued by the educational service district superintendent of schools (RCW 28A.57.150).

81. To condemn and appropriate land for a school site (RCW 8.16.010 and 28A.58.070) except for lands already devoted to public use (AGO 55-57, No. 335).

82. To condemn and acquire for school use not more than 15 acres for any elementary school purpose; not more than 25 acres for a junior high school purpose; not more than 40 acres for any senior high school purpose; not more than 75 acres for a vocational-technical school and not more than 15 acres for any other school district purpose (RCW 28A.58.070).

83. To purchase for recreational use any equipment and facilities (RCW 28A.14.030, 28A.58.010 and .070; Sorenson v. Perkins and Co., 72 Wash. 16; Juntile v. Everett S.D., 178 Wash. 637).

84. To join with a city in securing and holding land and facilities for recreational purposes (RCW 67.20.010; AGO 51-53, p. 351).

85. To contract with the federal government and its agencies for the purchase of any property or supplies without regard to bids or advertising (RCW 39.32.070).

86. To lease district property and to rent a house located on school property to a private individual if not presently required for school purposes (AGO 63-64, No. 111 and AGO 61-62, No. 160).

87. To authorize the school house to be used for summer or night school or for public, literary, scientific, religious, political, mechanical and agricultural meetings, under such regulations as the board of directors may adopt (RCW 28A.58.105). School boards are limited only by discretion in permitting the use of school buildings for meetings which are controversial, religious, or critical of established institutions (AGO 51-53, p. 410). Members of the public may not at any time they please use school property for their own personal views or objectives. The uses of the school property are subject to reason-

able statutory as well as administrative regulations and proscriptions (State v. Oyen, 78 Wash. (2nd) p. 909).

88. To authorize after-school and/or extracurricular educational activities in or upon school facilities. School districts must use reasonable care to ensure that school premises and facilities be safe for the use of such activities or be liable for judgments (Kidwell-Keys v. S.D. 300, Whitman Co., 53 Wash.(2nd)672).

89. To make reasonable rules prohibiting loitering at or around school buildings (RCW 9.87.010(11)).

90. To allow the use of or to rent school playgrounds or athletic fields to any person or organization for athletic purposes when school is not in session and the fields not in public use (RCW 28A.58.048).

91. To determine the total cost of their proposed building projects (RCW 28A.47.070) for the purpose of obtaining state building aid (subject to State Board approval) (RCW 28A.47.530). What may be included in "total cost" is defined by the statute.

92. To comply with "reasonable" municipal building ordinances (AGO 3/22/50).

93. To construct or remodel schools to provide radioactive fallout protection (AGO 61-62, No. 117).

94. To pay tax liens on real property acquired for their districts (mandatory) (RCW 84.60.050).

95. To provide textbooks and supplies for loans to pupils (RCW 28A.58.103, sec 1f).

96. To subscribe to publications of value to districts and to directors of school districts and pay for them from the current or general school fund (RCW 42.24.035).

97. To subscribe for school administrative research services and to purchase information from other public and non-profit agencies and from private individuals or agencies (RCW 28A.58.530).

98. To hold parents responsible (to a limit of $1,000) in a civil action for vandalism to real or personal property committed by their children under 18 years of age (RCW 4.24.190).

99. To insure school buildings (RCW 28A.58.102).

100. To advertise for bids under RCW 28A.58.135 when purchasing public liability or fire insurance policies even though the anticipated premiums may exceed $2,500 (AGO 61-62, No. 103).

101. To purchase life insurance, accident insurance and uniforms for pupils and adults participating in the school safety patrol and to hire adults to act as supervisors of the school patrol (RCW 46.61.385; AGO 7/16/48: 1112 and AGO 55-57, No. 232).

102. To organize and operate school safety patrols (WAC 392-24-015) that supervise and direct students crossing streets (AGO 57-58, No. 171) with no authority to enforce traffic laws (AGO 57-58, No. 155) and to appoint adult volunteers for school patrol (RCW 46.61.385).

103. To contract with more than one insurance carrier or health service contractor if each plan meets legal requirements (AGO 65-66, No. 1).

104. To provide a U.S. flag and a state flag and to require flag exercises (including the salute) at least once each week, including but not limited to all school assemblies (mandatory) and to display on or near every school, except during inclement weather, a U.S. flag (RCW 1.20.015 and 28A.02.030).

105. To construct and be reimbursed for safe walkways, provided the walkways will result in a financial saving to the state and the district over a 15-year period or eliminate the need for bus transportation or eliminate a bus run or route (WAC 392-26-010).

106. To procure medical and accident insurance for students on school buses when they pay the additional cost (AGO 59-60, No. 121).

107. To allow governmental agencies the use of school buses during times of emergencies resulting from natural disaster. The renting or leasing may take place only after the State Director of Civil Defense or his agent has declared that an emergency exists. The agency using the school buses must agree in writing to reimburse the district for all related costs and provide an indemnity agreement fully protecting the district (RCW 28A.24.170-172).

108. To prepare, negotiate, set forth in writing and adopt policies relating to the selection of instructional materials (RCW 28A.58.103).

109. To cooperate with other school districts to finance, plan, construct, equip and operate any educational facility authorized by law (RCW 28A.58.075); to jointly purchase supplies, equipment and services (RCW 28A.58.107, sec 3); or to cooperate in jointly maintaining and operating educational programs or services (RCW 28A.58.075 (2)).

110. To execute on behalf of the district an executory conditional sales contract for any real or personal property if the total indebtedness does not exceed 1½ percent of the taxable property in the school district (RCW 28A.58.550).

111. To file an environmental impact statement in connection with the closing of any school or other facility when necessitated by the facts of that particular situation and the extent of the environmental effects of the proposed action (AGLO 1974, No. 76).

112. To pay for uniforms and equipment to be used by students in interscholastic athletic events, either as "on the field" participants or as band members, cheerleaders or the like, when the school board has adopted a formal resolution making organized interscholastic athletic events part of the overall educational program (AGO 1973, No. 22).

C The Course of Study

In regard to the basic course of study, the law instructs all boards: To enforce rules and regulations prescribed by the Superintendent of Public Instruction and the State Board of Education for the government of schools, pupils and teachers, and to enforce the course of study lawfully prescribed for the schools of their districts (RCW 28A.58.101 and Wagner v. Royal, 36 Wash. 428).
In addition to the basic course of study, boards are empowered to arrange for many activities at their discretion. In this area, each board may use its own judgment as to what its local offerings should be.

The following passages and citations are arranged in two groups: first, those relating to the required course of study; second, additional activities of recognized educational worth.

Required Course of Study

In this connection, school boards must:

113. Require the teaching of English grammar, reading, penmanship, orthography, written and mental arithmetic, geography, physiology, and hygiene (with special references to the effects of alcoholic stimulants and narcotics), U. S. history and such other studies as the State Board of Education may prescribe (mandatory) (RCW 28A. 05.010, Wagner v. Royal, 36 Wash. 428).

114. Require the teaching of contemporary world history, geography and world problems, physical education, the study of constitutions, United States and Washington State history and government and national defense units (RCW 28A.05.030—.050 and WAC 180-50-005 — -050).

115. Arrange for students to be taught in a language other than English when this action will aid their advancement (RCW 28A.05.015).

116. Define what constitutes a "reasonable equivalency" for Washington State history and government in order to ease the problem of graduation requirements for out-of-state students who enter Washington schools in their 12th year (WAC 180-50-010 and RCW 28A.05.050).

117. Excuse high school students from physical education because of employment, when requested in writing by their parents or guardians (AGO 63-64, No. 41).

118. Require the teaching of manners, honesty, honor, economy, health and kindness (RCW 28A.05.010).

119. Require study of the Constitutions of the state and United States (RCW 28A.02.080 and WAC 180-50-040).

120. Require observance of Temperance and Good Citizenship Day (RCW 28A.02.090) and of Veteran's Day (RCW 28A.02.070).

121. Operate adult high school completion programs (WAC 180-72-055).

122. Serve private school students on a part-time basis, offering the same services provided for full-time students (RCW 28A.41.145).

123. Require that minors of compulsory school age attend a public or qualified private school (RCW 28A.27.010; AGO 50, No. 122; AGO 64, No. 130; Shoreline S.D. 412 v King Co., 55 Wash. (2nd) 177).

Additional Permissive Studies

The law recognizes that many other educational activities are of great benefit and for that reason empowers and encourages school boards:

124. To establish and operate vocational education schools and classes separately or jointly with other districts (RCW 28A.09.100) which may include instruction in agriculture, trades and industries (RCW 28A.09.070).

125. To pay for educational services afforded handicapped children from their general fund budgets separately or jointly with other districts; to employ special teachers for that purpose; to extend such services to preschool children; and to establish and operate residential schools as facilities for these services (RCW 28A.13.030).
An educational service district may not contract with local school districts within its boundaries to establish and operate a special education program for handicapped children on behalf of those local districts, although it may provide support services to the district in connection with such programs (AGLO 1974, No. 48).

126. To establish and operate special programs for "superior" students, including joint programs with institutions of higher learning (RCW 28A.16.030).

127. To offer, or arrange with other districts to offer, opportunities for the education of adults and to charge tuition for such a program (RCW 28A.58.240).

128. To establish and operate part-time schools (RCW 28A.41.145).

129. To establish and maintain night schools (RCW 28A.58.105).

130. To establish and operate driver education courses and, when the course content is approved, to receive up to 75 percent of the estimated per pupil cost for traffic safety education. Boards may also establish a traffic safety education fee (RCW 46.81.020 and .070, and WAC 392-50-010—020).

131. To contract with any organization to establish, purchase facilities for, and conduct a recreation program (RCW 67.20.010—.020).

132. To arrange for free instruction in lip reading for children or adults with defective hearing (RCW 28A.58.107).

133. To establish and operate truant and detention schools (RCW 13.04. .135) in cooperation with county commissioners.

134. To establish and operate nursery schools and care for children of working mothers and to charge for these services (RCW 28A.34.010 and .050).

135. To spend a reasonable amount for suitable commencement exercises (RCW 28A.58.107).

136. To authorize districts to offer vocational education programs in elementary and secondary schools with rules and regulations adopted by the board to implement these programs (RCW 28A.09.100). To

this end the board shall submit an application to the Superintendent of Public Instruction (WAC 180-58-085).

137. To establish and maintain kindergartens (RCW 28A.35.010).

138. To provide community education programs of an instructional, recreational and/or service nature for persons of all ages on a non-credit and non-tuition basis in a manner consistent with Superintedent of Public Instruction rules (RCW 28A.58.247).

D. Finance and Records

The intention of the state to keep most of the control of education on a local level is perhaps most clearly shown by the responsibility given local school boards in regard to finance. **In this connection, boards are empowered:**

139. To transact all business necessary for the maintenance of the schools and the protection of the rights of the district (RCW 28A.58.010).

Taxes

All boards are empowered:

140. To determine if an excess tax levy is necessary and to arrange for the levying of such taxes when authorized to do so by a three-fifths majority of those voting on the proposition at a special election held in the year in which the levy is made and not more often than twice in such year (AGO 51-53, p. 361). (The year referred to starts on the second Monday of October; AGO 46-51, p. 54). For current operating revenue, the total number of persons voting at special elections must constitute not less than 40 percent of the voters in the taxing district who voted at the last preceding general election or at the last preceding state general election for all other purposes (RCW 84.52.050—.052).

141. To reduce or rescind a special levy when it is determined that all or part of the purposes for which it was passed are unnecessary or unattainable (AGO 65-66, No. 60).

142. To spend the full amount of a levy in advance of collection if approved by the electors at an election or special meeting and if the expenditure when added to the existing debt does not exceed the constitutional restriction. Such approval may be voted at the same time the levy is approved (RCW 28A.58.370—.390).

Bonds

All boards are empowered:

143. To designate the maximum effective rates of interest for bonds (RCW 39.44.030).

144. To borrow money and issue general obligation bonds for capital purposes only and to arrange for the payment of principal and interest on such bonds by annual levies in excess of the 40 mill tax limit-

ation when properly authorized by the electors (RCW 84.52.056; also AGO 5/12/47, p. 35). However,

(a) A school district may not levy an excess tax levy in an amount greater than is required for payment of principal and interest due on school district bonds in the particular year for which the levy is made.

(b) A school district may not increase the excess tax levy in order to exercise an option to redeem bonds prior to the fixed date of maturity.

(c) A surplus in the bond redemption fund should be used to retire bonds which are subject to redemption. If not so used, it must be considered in determining the amount of excess tax levy when the next levy for capital outlays is spread (AGO 57-58, No. 230).

145. To refund bonds before their due date if so doing would effect a saving. No election is required (RCW 39.53.020—.050).

146. To issue bonds when authorized by the electors (mandatory) (AGO 5/7/45, p. 158).

147. To issue duplicate warrants, bonds or other evidence of indebtedness in the event of loss or destruction (RCW 43.08.064).

148. To issue bonds for semi-annual interest payments only, with maturities of the bonds to commence not less than two years nor more than five years from the date of issue (RCW 39.44.010).

149. To determine the denominations of bonds, in multiples of $100 (RCW 39.44.011).

150. To issue bonds only in the amount authorized by the electors (unless the amount so authorized exceeds the constitutional debt limit) except that the bonds authorized may be sold piecemeal within two years (AGO 5/7/45 and AGO 51-53, No. 453).
School districts may issue and sell fewer bonds than the total authorized if a lesser need for money develops, thus avoiding interest on funds that cannot be used (State ex. rel. Tacoma S.D. vs. Clausen, 826 Wash. 90).

151. To approve vouchers against anticipated revenues of bond sale when the revenues are included in the budget for the fiscal year (AGO 53-55, No. 268).

152. To fund mature and unpaid bonds by issuing coupon bonds and using their proceeds to retire the mature bonds, or to exchange the two types of bonds on a par basis (RCW 28A.51.180).

153. To issue, following formal action of record, refunding bonds in exchange for existing general obligation bonds (RCW 28A.51.180).

154. To exchange bonds for unpaid warrants (RCW 28A.52.060 and RCW 28A.51.020).

155. To refuse all bids for bonds if not advantageous; to readvertise the sale of bonds; to sell bonds at any time; to sell a portion of the total bonds authorized; to require bidders for bonds to deposit 5 percent of their par value as earnest money; and to deliver sold bonds to the successful bidder within 10 days of their sale or in installments (on the board's authorization) if mutually agreeable to buyer and seller

(RCW 28A.51.030 and Consolidated S.D. vs. Union Trust Co., 124 Wash. 501).

156. To order and pay for the printing or lithographing of coupon bond certificates (RCW 28A.51.058).

157. To pay the county treasurer's office for its expenses incidental to the sale of school district bonds (RCW 28A.51.200) and for its service in investing district funds (RCW 36.29.020).

158. To designate the county treasurer or any other officer or fiscal agency to register school district bonds (RCW 39.44.130).

159. To require the president and secretary of the board to sign bonds, with coupons in the corporate name of the district or to designate by resolution bonded persons to affix the authorized officers' signatures to bonds (RCW 28A.51.055—.058), or if there are more than 100 bonds, to use facsimile signatures (permissive) (RCW 39.44.100 and 28A.51.058).

Attendance Apportionment

All boards are empowered:

160. To petition the State Superintendent of Public Instruction for an emergency advance of not more than 10 percent of the total amount of state funds due the district in a fiscal year (AGO 65-66, No. 77; RCW 28A.48.010; and Ch. 46, L. '72).

161. To claim reimbursement for the attendance of resident elementary pupils attending school in another district (RCW 28A.48.040). School districts whose boundaries extend into military reservations are properly credited with school attendance of any children living within that part of a district inside a military district, who attend public school outside their resident district (DuPont-Fort Lewis S.D. v. Clover Park S.D., 65 Wash. (2nd) 342).

162. To cooperate with the Superintendent of Public Instruction in giving aid and special attention to handicapped children (mandatory) (RCW 28A.13.010) and claiming state and county funds for such purposes (RCW 28A.13.040).

163. To claim apportionment credit for five-year-old students or older in kindergarten (RCW 28A.35.030).

164. To claim state apportionment funds to aid in meeting the costs of educating secondary pupils from non-high districts (RCW 28A. 44.080).

Specific Obligations

All boards are empowered:

165. To recognize and satisfy from district funds debts, judgments and liability claims (RCW 28A.58.020; also Redfield v. S.D. 3, 48 Wash. 85 and Kelly v. S.D. 71, 102 Wash. 343; 58 Wash. (2nd) Sherwood v. Moxee S.D. 90). However, boards are immune from damage suits because of negligence when a claim is not filed in writing within one year of the date of damage (Stuart v. East Valley Consolidated S.D. 361, 61 Wash. (2nd) 571).

166. To satisfy district torts (RCW 4.08.110 and Kelley v. S.D. 71, 102 Wash. 343; Rice v. S.D. 302, 140 Wash. 189).

167. To pay local improvement assessments against school property (RCW 35.43.040 and Seattle S.D. 1 v. Seattle, King Co., 44 Wash. 62).

Note that:

(a) A school district is liable for the payment of interest on an assessment payable in installments and levied against its real property by a utility Local Improvement District created by a water district.

(b) A school district is not liable for interest or penalties for failure to pay the assessment or any installment when due (AGO 59-60, No. 92).

A school district, acting through its board of directors, may sign a petition for the formation of a utility Local Improvement District under RCW 36.94.230, or sign a protest petition against the formation of such a district under RCW 36.94.240.

168. To pay a millage assessment to a fire protection district which serves their areas (mandatory) (AGO 59-60, No. 72).

169. To pay garnishments after judgment has been entered on a debt (RCW 7.33.060 and Hanson v. Hodge, 92 Wash. 425).

170. To apply only to the State Superintendent of Public Instruction for grants-in-aid for school building construction (RCW 28A.47.080). However, they may refrain from obtaining a conditional use or building permit when the district does not desire to qualify for state aid in building construction (AGO 65-66, No. 84).

171. To pay the Department of Natural Resources forest patrol assessments on forest lands owned by the district (mandatory) (AGO 7/16/46, p. 895 and AGO 51-53, No. 471).

172. To pay the irrigation district assessments on school-owned land (mandatory) but no interest (AGO 51-53, p. 355).

173. To, at their discretion, charge individuals tuition but not other districts (RCW 28A.58.240; AGO 47-49, p. 508; AGO 1921-22, p. 291). In the absence of an agreement, a high school district may charge the parents of elementary or secondary students from another high school district, either adjoining or non-adjoining, a reasonable tuition for their children attending school in their districts (AGO 61-62, No. 20).

174. To provide free textbooks and supplies to their students. A first class school district must do so when directed by the electors (RCW 28A.59.190) and it may do so for the children of indigent parents even when not providing them for all of its students as a matter of discretion under RCW 28A.58.103. (1) When a district does not provide free textbooks and supplies, it may require that these materials be purchased by, or for, the students at bookstores or other commercial retail outlets; however, the district cannot require students to purchase textbooks and materials from the district. (2) A school district may not charge either a general tuition fee, or a special tuition fee for certain courses, for attendance at its elementary or secondary schools except (RCW 28A.58.240) in the case of students who are not residents of the district. (3) A school district which loans free textbooks and supplies to its students may charge a reasonable deposit fee to cover possible damage (AGO 65-66, No. 113). (4) Except in the case of a first class school district in response to an order of its voters under RCW 28A.59.190(9), a school district may either provide its students with necessary magazines or

other periodicals for class use free of charge or it may require them to be provided by those students through their resources or those of their parents; a first class district under RCW 28A.59.190(9) may provide these materials without charge to the children of indigent parents even though it does not do so, generally, for all of its students. (5) Students desiring to participate in an optional graduation ceremony, or to obtain optional class pictures, or acquire an optional yearbook may be required to rent a cap and gown to be worn in such ceremony or to pay for these other items. (6) School districts are authorized to provide medical or disability insurance coverage for their students at cost to the assenting students or their parents, but they may not require any of their students to participate in any such insurance program. (7) School districts are authorized to operate lunchrooms and to charge for lunches sold therein. (8) Discussion of circumstances under which penalties may be imposed for nonpayment of legally authorized fees; and of the recovery of fees illegally charged. (AGO 1973, No. 11).

175. To assess such tuition and special fees as the board deems necessary to offset the maintenance and operation costs of summer and/or student vacation period programs in whole or in part (RCW 28A.58.080).

Control of Funds

All boards are empowered:

176. To extend reciprocity to out-of-state students, with the serving district to be paid its average cost per elementary or secondary student by the district in which the student resides (RCW 28A.58.250).

177. To charge non-resident fees to out-of-state students attending secondary programs (AGO 4/2/48, p. 92).

178. To retain a percentage of the amount of a contract as a trust fund to assure that laborers, subcontractors and suppliers are paid by the contractor (RCW 60.28.010 and Wash. (2nd), English v. Tacoma S.D. 10).

179. To use monies in the building fund for general fund purposes and vice versa when authorized by the electors (AGO 61-62, No. 59).

180. To direct the use of funds for specific school purposes (AGO 59-60, No. 86) after federal forest funds have been allocated by the county commissioners to the educational service district superintendent who apportions them to the school district. Boards may direct the expenditures of allocated federal forest funds for the benefit of the public schools if the county commissioners have not previously earmarked the use of the funds for a specific school purpose (AGO 65-66, No. 59 and RCW 36.33.110).

181. To direct by resolution the county treasurer to make a transfer from any fund of the district to any other fund, provided the funds involved are solvent with provision also made for repayment within a reasonable time. No obligation will be impaired (AGO 49-51, p. 237).

Investment of Funds

All boards are empowered:

182. To authorize the county treasurer to invest any of the district's idle funds in savings and loan associations (RCW 33.52.010) or in any U. S. securities (RCW 36.29.020; 28A.58.440 and AGO 61-62, Nos. 68 and 69).

183. To invest school district funds in banks, savings and loan associations, trust companies and mutual savings banks, up to the amount of insurance afforded (RCW 28A.58.440). Districts may delegate authority to an employee of the school district or educational service district to authorize the county treasurer to invest idle building funds, funds not needed for immediate necessities, and state and federal funds.

Budget

All boards are empowered:

184. To prepare and adopt a school district budget (RCW 28A.65.010—.180).

185. To tentatively adopt preliminary budgets on the basis of the requirements for the ensuing year, subject to revision if the legislature has not appropriated monies at the time (RCW 28A.65.075).

186. To prepare a school district preliminary budget on or before May 10 (RCW 28A.65.010). First class school districts may delay the adoption of the preliminary budget until June 15 if the legislature has not appropriated, by May 10, funds needed for the support of the common schools (Chapter 53, L. '75 E1).

187. To hold a public hearing and adopt a school district preliminary budget on or before June 1 of each year provided that in first class districts if the legislature does not appropriate by the 10th of May, monies needed for the support of the common schools, said meetings for districts shall occur on or before the 15th of June (RCW 28A.65.070—.080).

188. To include as revenues in their preliminary budgets certain receivables collectible in future fiscal years (RCW 28A.65.095).

189. To certify and file the school district budget following revision and final adoption (RCW 28A.65.120).

190. To adopt a final school district budget on or before the first Monday in October (mandatory) (RCW 28A.65.090).

191. To make payments to regular employees, for necessary building repairs and maintenance, for book supply purchases and for the district's participation in joint purchasing agencies during the interim when the preliminary or final budget of a school district has not been adopted or approved (RCW 28A.65.170).

192. To receive the district's share of the current state school fund and/or the state general fund in these amounts: In September, 10 percent; October, 8 percent; November, 6.5 percent; December, 8.5 percent; January and February, 13 percent; March, 11 percent; April and May, 5 percent; June, 3 percent and in July and August, 8.5 percent (RCW 28A.48.010).

193. To petition the state superintendent, through the educational service district superintendent, for an emergency advance of funds which may become apportionable, not to exceed 10 percent of the total amount due during the fiscal year (RCW 28A.48.010 and AGO 65-66, No. 77).

General

All boards are empowered:

194. To authorize the expenditure of district funds to inform the public

regarding the district's instructional program, operation and maintenance (RCW 28A.58.610).

195. To approve claims against the various funds when properly vouchered (RCW 28A.58.010—.020).

196. To join with the controlling bodies of other municipal corporations to establish, maintain and share in the support of regional planning commissions (RCW 36.70.015 and .060). Employees of such commissions are employees of the participating municipal corporations (AGO 61-62, No. 115).

197. To provide and pay for transportation of children to and from school (RCW 28A.24.055). Local boards are to cooperate in establishing routes and determining costs (mandatory) (RCW 28A.24.090).

198. To join with directors of other school districts in buying supplies, equipment and services collectively by establishing and maintaining a joint purchasing agency (RCW 28A.58.107, sec 3).

199. To receive state apportionment funds which are distributed according to a formula taking into consideration federal forest revenues, P.L. 874 funds, PUD payments and similar "in lieu of tax" monies to guarantee an equal number of dollars per weighted student enrolled (RCW 28A.41.130).

200. To place the proceeds of the PUD privilege tax in the district's general fund or building fund, or both (AGO 63-64, No. 79).

201. To permit the use of the 1 percent real estate excise tax for: (1) the establishment and support of the building fund and/or (2) payment of principal or interest on outstanding bonds or the refunding of outstanding indebtedness (RCW 28A.45.050).

202. To place money paid in lieu of taxes by PUD districts (RCW 54.28.080) in a bond redemption fund (AGO 63-64, No. 48).

203. To require that Public Utility Districts pay certain increased student enrollment costs resulting from the construction of hydroelectric facilities. PUD's may also pay a share of capital outlay costs (AGO 55-57, No. 229 and RCW 54.36.020—.080).

204. To accept federal loans or donations for acts prior to construction (RCW 54.36.070) and to accept, on behalf of their districts, gifts from individuals and organizations, including PUD's (RCW 28A.58.010 and 54.36 et seq.).

205. To initiate action providing for non-high districts to contribute their fair share of a new high school's capital outlay costs (RCW 28A.56).

206. To receive gifts and grants and to administer trust programs for scholarship and student aid purposes (1973 legislative session appropriation).

207. To purchase textbooks and supplies for loan to pupils (RCW 28A.58.103).

208. To establish a depreciation scale for determining the value of texts which students wish to purchase (RCW 28A.58.103, sec. 2).

209. To refund any overpayment of federal funds in several ways (AGO 51-52: 91d).

210. To refuse to open school when their districts' bonded and warrant indebtedness exceeds the constitutional limitation and there is no money on hand for school purposes (Stanley v. McGeorge, 17 Wash. 8).

211. To reimburse from their districts' general funds necessary expenses for directors attending meetings of the Washington State School Directors' Association (RCW 28A.61.130 and AGO 1/8/48, p. 76).

212. To prescribe by resolution proper rates for travel reimbursement (mileage, hourly, per diem, etc.) (RCW 42.24.090).

213. To reimburse school directors' and superintendents' expenses incidental to attending meetings or to advance sufficient sums to cover anticipated expenses (RCW 28A.58.310), and to be reimbursed for expenses incurred in connection with attendance at regular or special board meetings, whether such meetings are in the neighborhood where the school board member lives or at any other place (AGO 65-66, No. 30 and AGLO 1974, No. 42).

214. To pay dues to the Washington State School Directors' Association from district funds (mandatory) (RCW 28A.61.050 and AGO 63-64, No. 11).

215. To pay, from a district's general fund, dues of not more than $1.00 per director to county or regional units of the Washington State School Directors' Association (RCW 28A.61.060).

216. To be subject to biennial state audit (mandatory) (RCW 43.09.260). Boards must pay for the cost of such audits (RCW 43.09.280). The state auditor may accept the audit of funds made by a qualified individual or firm appointed by the school authorities (AGO 51-53, No. 484).

217. To contract with the Washington State School Directors' Association for special services, research and consultants on a cost-reimbursable basis (RCW 28A.61.030).

Records and Reports

All boards are empowered:

218. To deliver to a successor in office all books, papers, records and monies pertaining to the office (RCW 28A.58.170 and 40.14 et seq.).

219. To record the signatures of their members with the county auditor upon assuming office (applies to both directors and secretaries or clerks) (mandatory) (RCW 28A.58.140).

220. To require every teacher to keep a register (RCW 28A.67.050).

221. To keep separate records of all types of funds (mandatory) (RCW 43.09.210).

222. To file a financial report with the state auditor within 30 days of the end of the fiscal year (RCW 43.09.230).

223. To keep all records and make all reports in the form officially prescribed under pain of removal from office (RCW 43.09.240).

224. To require that the attendance officer maintain a record of his transactions for the board's inspection (RCW 28A.27.040).

225. To require an auditing officer to examine and authenticate claims made against the district for materials and services rendered to it before payment is made (RCW 42.24.080—.100—.110).

E. Formulation and Enforcement of Rules

Besides leaving a very large area in this field to boards' discretion, the law specifies many regulatory powers which are granted on either a mandatory or permissive basis. **Among these are the power:**

226. To adopt rules and regulations dealing with the substantive and procedural rights of students in accord with the State Board of Education Regulations (RCW 28A.04.132).

227. To adopt and make available to each pupil and parent in the district reasonable written rules and regulations regarding pupil conduct, discipline, and rights. They must be consistent with the regulations set forth by the State Board of Education (WAC 180-40-070 through 180-40-155).

228. To make by-laws for their government and the government of the schools consistent with instructions of the Superintendent of Public Instruction or the State Board of Education (RCW 28A.58.110).

229. To adopt and make available to each parent a detailed description of the rights, responsibilities and authorities of teachers with respect to pupils as prescribed by rules and regulations or state and local laws (RCW 28A.58.101).

230. To exercise local self-government when granted the authority by the legislature as an exception to the rule forbidding legislative delegation of powers. School districts may also be granted broad powers without prescribing detailed standards and guidelines, so long as those powers relate to local purposes of regulation or administration (AFT Yakima Local 1485 v. Yakima S.D., 74 Wash. (2nd) 865).

231. To enforce the course of study lawfully prescribed (RCW 28A.58.200).

232. To formulate, and require students' compliance with reasonable regulations for the government of the schools under penalty of expulsion (RCW 28A.58.200 and AGO 60-61, No. 105).

233. To discipline, suspend or expel students from school if they refuse to obey reasonable rules prescribed by the Superintendent of Public Instruction or the State Board of Education (RCW 28A.58.101).

234. To collect damages from the parent or guardian of any student who damages any school property and to appropriately punish the student (RCW 28A.87.120).

235. To enforce regulations developed by the State Superintendent of Public Instruction relating to the design, marking and operational procedures connected with transporting school children (mandatory) (RCW 46.61.380).

236. To open the common schools to all children between the ages of six and 21 years (RCW 28A.58.190). However, local boards may establish in their by-laws a date by which a child must have achieved the age of six to be allowed to enter the first day of school (AGO

11/12/41, 4/8/48 and 49-50:121a). Also, they may refuse admission to pupils who leave the district to evade the regulation and then return upon reaching six years of age (AGO 49-51, p. 378).

237. To establish and enforce regulations for the safest practical operation of school transportation equipment, including the pickup and discharge of passengers (mandatory) RCW 46.61.380 and 22 Wash. (2nd) 596).

238. To include in their by-laws the manner of conducting and voting on questions to be submitted to the electors at special meetings (AGO 1911-12, p. 102).

239. To rule on the manner of conducting a hearing (RCW 28A.58.110). Only certain employment hearings are required by law (RCW 28A. 67.070 and 28A.58.450).

240. To prescribe rules and regulations needed to protect books and supplies from unnecessary damage (RCW 28A.58.103, sec 1f).

241. To provide pupils with free text books (RCW 28A.58.103, sec 1f).

242. To require rapid dismissal drills at least twice each month (mandatory) (RCW 28A.04.120, sec. 11, and RCW 48.48).

243. To adopt reasonable rules and regulations to protect the welfare, good order, discipline and morality of pupils attending high schools in the district (RCW 28A.58.101 and 28A.58.110). The existence of a reasonable basis in fact for any board adopting a rule automatically excluding married students from any specific activity, either permanently or temporarily, is a determination which must be made by each board of directors after a sufficient investigation has been made of all necessary factors (AGO 59-60, No. 105).

244. To adopt rules and regulations setting forth proper procedure to ensure that each school is carrying out district policy providing that no child be removed from any school grounds or building during school hours except by a person so authorized (Ch. 248, L. '75).

245. To enforce the compulsory attendance laws on Indian reservations (AGO 35-36:178).

246. To define the school day as each day of the school year in which the pupils enrolled are engaged in educational activities planned by and under the direction of the school district staff as directed by the administration and board of directors of the district (RCW 28A.01.010).

247. To establish such rules, regulations, courses, and activities deemed best for governing nursery schools and before and after school and vacation care (RCW 28A.34.010).

248. To make reasonable rules and regulations for school-owned camps and make such charges for their use as may be deemed expedient (RCW 67.20.015).

249. To enforce rules and regulations prescribed by the laws of the State of Washington (RCW 28A.02.020) and within the several specific powers granted to the State Superintendent of Public Instruction and the State Board of Education (RCW 28A.58.110).

250. To allow fees to be charged students and non-students as a condition of their attendance at any optional non-credit extracurricular event of the district which is of a cultural, social, recreational or athletic nature. School districts are required to adopt regulations for waiving and reducing such fees in cases where students or families would have difficulty in paying the entire amount (RCW 28A.58.115).

251. To authorize by official action participation in interscholastic athletic events as a part of the overall educational program for which district funds are expended. In addition:

(1) Where a school district, at district expense, provides an athletic stadium and the various kinds of uniforms and equipment used in interscholastic athletic competition, and pays coaches' salaries, the district may charge an admission fee for attendance at athletic events by non-student school patrons; and it may bind itself contractually to sell reserved seat season tickets to its athletic events for several years in advance, subject to the applicable principles of law concerning the power of public officials to bind their successors in office.

(2) When the board of directors of a school district has by appropriate action authorized the expenditure of school district funds for interscholastic athletic activities, and such activities have been paid for in whole or in part out of the district's general operating funds, the directors may not permit the district's student body association to keep and utilize such gate receipts as it derives from these activities without accounting for them or reimbursing the school district funds thus expended.

(3) A school district, in lieu of purchasing athletic uniforms and equipment out of its general operating funds in accordance with AGO 1973, No. 22, may continue to purchase those items with its student body funds.

(4) A school district may advertise its officially sanctioned athletic contests in newspapers, handbills or other programs and on radio and television stations in order to maximize gate receipts.

(5) A school district is not authorized to furnish accident insurance at district expense for its athletic team members.

(6) A school district which has made its interscholastic athletic activities a part of its overall educational program may, at district expense, from either general operating funds or student body funds, furnish necessary meals and lodging for team and band members who, in view of the distance involved in an away-from-school trip or because of the breakdown of a school bus, are obliged to stay overnight away from home.

(7) A school district may, at district expense, furnish school letter awards to students who have participated in athletic, band, and various other activities (AGO 1974, No. 21).

F. Services Offered By School Districts

School districts offer three major ancillary services for their pupils: transportation, library service, and school lunches.

Transportation

All boards are empowered:

252. To use vehicles with tax-exempt licenses to carry children to and from school and for other uses which the district may desire so long as such use is official and not inconsistent with the rules relating to school bus use promulgated by the State Superintendent of Public Instruction (RCW 28A.24.055; AGO 12/3/45, p. 443 and AGO 55-57, No. 242).

253. To transport children to and from school whether the children live within or outside the district when, in the board's judgment, the district's best interest is served. Districts are not compelled to transport any pupil living within two miles of a school (RCW 28A.24.055 and AGO 59-60, No. 113).

254. To provide transportation for any school children, but are not required to do so. If transportation is provided, it must be for all children of compulsory school age residing in the district and attending public school, except those who reside less than two miles from the school (WAC 392-20-010).

255. To provide transportation to and from school for pupils older or younger than the compulsory school age, if the board determines that such transportation is in the best interests of the school district (WAC 392-20-040).

256. To transport by school bus students and the school employees necessary for their supervision to and from school activities. Those transported must pay the complete cost (RCW 28A.24.055 and WAC 180-20-106).

257. To adopt rules and regulations regarding the suspension or permanent revocation of any pupils' bus riding privileges (mandatory) (WAC 392-22-010).

258. To purchase with district funds, hospital and medical expense insurance up to $1,000 per injury for the benefit of children on, getting on, and getting off school transportation equipment (RCW 28A. 24.055).

259. To determine when commercial bus service is "not reasonably available" for transportation of students to extracurricular—but school sponsored—activities (WAC 180-20-106 and RCW 28A.24.055).

260. To enter a contract with other districts to share the cost of transporting children from one district to another (RCW 28A.24.055).

261. To contract with others for the transportation of school children and to require such contractors to procure insurance as the board deems advisable (RCW 28A.24.055).

262. To present each bus at the Washington State Patrol Vehicle Safety Inspection Lane at the time designated by the Chief of the Washington State Patrol (WAC 392-22-010).

263. To designate a member of each local board as its representative on the Transportation Commission (RCW 28A.24.080).

264. To cooperate with the Transportation Commission in establishing bus routes (RCW 28A.24.090).

265. To obtain from their educational service district superintendent of schools temporary school bus drivers' permits (WAC 180-20-215).

266. To lease transportation equipment for school district use (AGO 9/3/40).

267. To designate pickup points for children (AGO 21-22:168).

268. To contract with parents to transport their children to school (AGO 6/20/17 and AGO 1968, No. 24, p. 66).

269. To provide transportation to post-graduate high school students at the district's expense (WAC 392-20-050).

270. To maintain records of all expenses and miles traveled in connection with pupil transportation (mandatory) (WAC 392-27-010).

271. To be reimbursed for 90 percent of the district's transportation costs (RCW 28A.41.160 and WAC 392-20-050), and to claim and receive transportation reimbursement from the state for operation of a voluntary student transfer program to alleviate racial imbalance (AGO 65-66, No. 55).

272. To use transportation reimbursements only for the purchase and major repair of transportation equipment (RCW 28A.41.160).

273. To claim and receive through the Superintendent of Public Instruction, 60 percent (or more) of the cost (over $2,500) of rebuilding district-owned buses which have served the years required for original depreciation (WAC 392-27-110 and 392-21).

Libraries

All boards are empowered:

274. To contract for library service (AGO 6/12/47, p. 42).

275. To provide for operating and stocking school libraries (RCW 28A.58.104).

Lunchrooms

All boards are empowered:

276. To operate school lunchrooms by granting concessions for them (AGO 45-46:981).

277. To establish, equip, operate, and employ personnel for lunchrooms in school buildings for pupils, certificated and non-certificated employees (RCW 28A.58.136).

278. To provide the use of kitchens, lunchrooms and other school facilities to furnish meals to elderly persons at cost. Certain conditions include: charges may not exceed the actual costs; a non-profit meal program shall not interfere with the normal educational process; and no district funds may be used for operation of the meal program (RCW 28A.58.722).

G Elections

Besides vesting many powers in local school boards, the law assures that the operation of the schools will reflect local communities' wishes by requiring that many important matters be decided by each district's electors. The law requires that the county auditor arrange for and conduct all elections (RCW 29.13.020—.040). He holds all regular school district elections on the first Tuesday following the first Monday in November of odd-numbered years (RCW 29.13.020). When a school district is not divided into director districts, each candidate for the school board shall file for, and run to fill, only the specified numbered position for which he filed (RCW 28A.57.314). In addition, the county auditor determines who is elected to a school board (in the event of a tie vote) by lot (RCW 29.62.080).

The local board is empowered:

279. To request by formal resolution, that the county auditor call a special election (RCW 29.13.020 and AGO 51-53: 115). Such special elections may pass upon excess levies for either general fund or capital purposes (RCW 84.52.052) or upon a proposal to borrow money by issuing negotiable bonds (RCW 84.52.056 and 28A.51.010). Bond proposals must specify the maximum effective rate of interest (RCW 39.44.030) and must be for a specific object, not simply for approval of an indebtedness (Informal opinion 5/29/11 to Supt. of Public Instruction). The school board must notify the county auditor at least 45 days in advance of special elections (RCW 29.13.020).

280. To propose to the electors that the school district be divided into director districts (permissive) (RCW 28A.57.344).

281. To pay its district's pro rata share of the cost of joint elections conducted by the county auditor (mandatory) (RCW 29.13.045).

282. To pass a resolution calling for a school bond election at a special meeting of the board (RCW 28A.52.020).

283. To disqualify a school board member from retaining office when the director moves out of his director district (AGO 1975, No. 8).

284. To fill, until the next regular election, a vacancy on the board (RCW 28A.57.326).

285. To fill vacancies on school boards when any board member is absent for any four consecutive regular meetings of the board except for illness or when authorized by resolution of the board (RCW 28A.57.325—.326). A majority of all members of the board constitutes a quorum.

286. To file their oath of office with the county auditor (mandatory) (RCW 28A.57.322).

287. To make schools available as polling places for state primary and state general elections (mandatory) (RCW 29.48.007 and AGO 55-57, No. 240).

288. To obtain a recount of votes (RCW 29.64.010—.070).

289. To carry out the directions of the electors (RCW 28A.58.390) who took action at a special meeting (RCW 28A.58.370—.390).

290. To call special meetings, either at the board's request or because of any petition signed by a majority of the district's electors. Such special meetings may determine the length of the school year, decide whether to lease or purchase school sites, determine the location of school sites, decide whether to build and/or operate kindergartens and determine whether the district shall sell any real or personal property, borrow money, or establish and maintain a school district library (RCW 28A.58.370).

291. To assume office as soon as the election returns have been certified. Each board of directors of every school district shall be organized at the first meeting held after one or more newly elected directors take office (RCW 29.13.050).

292. To hold office for a term of four years (six years in the cities of Seattle, Spokane, Tacoma and Everett) and until their successors are elected and qualified (RCW 28A.57.312 and 29.13.060).

293. To vote (individually) by mail for persons running for membership on the State Board of Education. A school board member within ten days after the State Superintendent of Public Instruction's certification of election may contest the election of the candidate for a variety of specified causes (RCW 28A.04.060).

294. To, in conjunction with the educational service district superintendent and other school boards within a county, elect members of the County Committee on School District Organizations (RCW 28A.57.032).

295. To require members to take an oath or affirmation to support the Constitution of the United States and the State of Washington and to faithfully discharge the duties of their offices to the best of their abilities (RCW 28A.57.322).

. . . and Other Legal Matters

In connection with the law itself, school boards are empowered:

296. To keep all schools supported wholly or in part by public funds forever free from sectarian control or influence (mandatory) (Constitution of the State of Washington, Article IX and RCW 28A.02.040).

297. To release students from school for voluntary religious instruction off school premises but may not use school time, materials, or personnel (employed or not employed by the district) to announce or arrange for such instruction (Perry v. Spokane Co. S.D. 81, 54 Wash. (2nd) 886).

298. To bind the district only at a corporate meeting properly called, attended and conducted (AGO 11-12:385).

299. To hold regular meetings monthly or more often according to the board's by-laws and to call special meetings at the order of the president or chairman or on petition by a majority of the board's members (RCW 28A.57.324).

300. To hold all meetings of the school board open and permit all persons

to attend without restrictions or conditions (RCW 42.30.030). When meetings are disrupted by disorderly conduct the meeting room may be cleared and the session continued (RCW 42.30.050).

301. To hold executive sessions to consider the employment of personnel or to hear complaints against such persons (unless they request a public hearing); to set parameters for negotiations; to consider the selection of a site or the purchase of real estate, if publicity would lead to an inflated price; and to consider matters affecting the national security (RCW 42.30.110).

302. To give notice to the press, radio, and television of any special meetings at which official action will be taken, with such meetings and their minutes to be open to the public (mandatory) (RCW 42.30.080 and 42.32.030, AGO 55-57, No. 257).

303. To follow the Open Meeting Law at all informal gatherings or meetings even though no formal vote is taken. Labor negotiations are not covered by the act unless they are actually handled by a majority of the governing body, but the board's final ratification of a negotiated agreement must be at a public meeting (AGO 1971, No. 33). Meetings involving a general gathering of board members to listen to a program concerning problems and solutions affecting their general authority as a multi-member governing body would not be covered under the Open Meeting Law (Montecucco to Boivin, 11/10/71).

304. To travel and gather together for non-meeting purposes provided they take no actions, i.e., deliberate and make decisions regarding official duties or functions (RCW 42.30.070).

305. To ask the county prosecuting attorney to represent the interests of the district in any criminal or civil action or proceeding (RCW 36.27.020).

306. To require the county prosecuting attorney to conduct the district's condemnation suits without compensation (RCW 36.27.020).

307. To employ an attorney other than the county prosecutor to serve their districts' legal interests (RCW 28A.60.310 and 28A.59.180, sec. 3; AGO 46-47:677; and State ex. rel. Dysart v. Gage, 107 Wash. 282).

308. To issue necessary emergency warrants to pay the cost of special school elections (AGO 45-46:516).

309. To maintain an action in law in certain cases (specified) (RCW 4.08.110—.120).

310. To enter a criminal action against persons who conspire against or who defraud the district (RCW 9.22.040).

311. To file financial disclosure statements with the Washington State Public Disclosure Commission. These reports begin when a person becomes a candidate for a school board position and continue throughout his or her term of office (RCW 42.17.030—.140).

H. General Pupil Welfare

As part of its basic policy of equalizing opportunity, the State advocates a number of services for the general welfare of children. Most of these items are aimed at maintaining an acceptable level of health for all pupils. **School boards, as the districts' official agents, have direct and numerous responsibilities in carrying out this program and, to this end, are empowered:**

312. To pay for milk for indigent children from the districts' general fund (RCW 28A.31.020).

313. To provide hearing tests for all children attending school (mandatory) (RCW 28A.31.030).

314. To establish and operate recreational programs (RCW 28A.14.030 and 67.20.010—.020). Dancing is a form of recreation (AGO 13-14: 296).

315. To require children to be vaccinated or leave school during an epidemic of smallpox (RCW 43.20.050; State ex. rel. McFadden v. Shorrock, 55 Wash. 208). Also to require immunization of school children against measles, diphtheria, tetanus, poliomyelitis and rubella (State Board of Health, Regulations).

316. To pay for X-ray examinations when Mantoux tests are positive (permissive) (AGO 9/3/40).

317. To exclude from school any person (adult or child) with a communicable disease (State Board of Health, Regulations, Sec. 53) or from a house in which a communicable disease exists and to enforce rules and regulations regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the State Board of Health as dangerous to the public health. Such rules and regulations shall require a certificate from a licensed physician stating that there is no danger of contagion (RCW 28A.31.010).

318. To borrow sight-saving equipment from the State Superintendent of Public Instruction (RCW 28A.31.060).

319. To grant both non-Indian and Indian children residing on Indian reservations all the privileges of the school district in which the reservation is situated (AGO 47-48:1d).

320. To permit or deny the dissemination of students' names to business colleges (AGO 51-52:103b).

321. To request of any state (institutional) school, clinical, counseling and evaluation services to assist in determining the needs of a district's exceptional children (RCW 72.33.050).

CHAPTER 2

ADDITIONAL POWERS OF DIRECTORS OF FIRST CLASS DISTRICTS

In addition to the powers vested in all school boards, the law gives certain special powers to the boards of first class school districts. A first class school district is one with a student enrollment of 2,000 or more (RCW 28A.57.140). **The school board in districts of this class have the power:**

322. To establish and maintain a shop and repair department (RCW 28A.59.180, sec. 8).

323. To make reasonable alterations in building specifications without readvertising (Criswell v. S.D., 34 Wash. 420).

324. To maintain a school administrative office where all regular meetings are held and all records are kept (RCW 28A.59.100 and AGO 4/2/41).

325. To require the president of the board, the vice-president, or a president protempore to preside (RCW 28A.59.030 and .050—.060).

326. To prescribe courses of study consistent with those prepared by the State Board of Education (RCW 28A.59.180, sec. 5).

327. To provide free textbooks and supplies when ordered by the electors (mandatory) (Hand v. S.D. 1, 118 Wash. 439) or for indigent children (RCW 28A.59.180, sec. 9).

328. To discontinue the free textbook system without a vote of the people (Informal opinion 5/6/21 to Supt. of Public Instruction).

329. To establish and maintain grades, departments, and types of schools

which shall, in the board's judgment, best promote the interest of education (RCW 28A.59.180, sec. 6).

330. To prepare a preliminary budget for the ensuing fiscal year, make that budget available to the public and advertise an open hearing regarding it, to be held on or before June 1. If the state legislature has not appropriated by the tenth of May monies under RCW 28A.41.050 needed for the support of the common schools, such meetings shall occur on or before the fifteenth of June. Following that hearing, the board determines each preliminary budget item, adopts it by resolution and enters it in the minutes in full detail. The final budget is determined and adopted on the first Monday in October (RCW 28A.65.070).

331. To sign warrants or to issue to the county treasurer a general certificate authorized by the board and signed by the board president authorizing the secretary to draw certain warrants (RCW 28A.59-.110).

332. To create and maintain a permanent insurance fund to meet losses to the district caused by fire and to authorize the county treasurer to invest the fund in certain securities (RCW 28A.59.185).

333. To elect the school district superintendent only by a majority voice vote resulting from a call of the roll of all board members (RCW 28A.59.040).

334. To employ for a term of not more than three years a superintendent of schools, to fix his duties and compensation and, for cause, to dismiss him (RCW 28A.59.180, sec. 1).

335. To employ a business manager, attorneys, an architect, inspectors of construction, superintendents of buildings and of supplies and other employees and to prescribe their duties and fix their compensation (RCW 28A.59.180, sec. 3 and AGO 53-55, No. 357).

336. To require a bond (not less than $5,000) for the secretary, with the premium to be paid by the district. Also, to require of the secretary an oath of loyalty and of faithful performance (RCW 28A.59.080).

337. To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector (RCW 28A.59.180, sec. 12).

338. To employ and, for cause, dismiss assistant superintendents and define their duties and fix their compensation (RCW 28A.59.180, sec. 2).

339. To require officers and employees to give bond for the faithful discharge of duties, the premiums to be paid by the district (RCW 28A.59.180, sec. 10).

340. To apply to the Federal Communications Commission for a license to construct a television transmitter and to construct the transmitter on land within the district for educational purposes (AGO 61-62, No. 105).

341. To sell for state highway purposes, school real property without a vote of the electors, even though the property may exceed $20,000 in value (AGO 53-55, No. 83).

342. To enter into a 10- or 12-year lease of property for a schoolhouse (AGO 47-48:88c).

343. To budget capital outlay expenses in the building fund (AGO 45-46: 990).

344. To elect from their number a president and vice-president to serve for a term of one year. This is done at the organizational meeting held immediately after newly-elected directors take office (RCW 28A.59.030).

345. To fix the annual opening and closing time of schools, the length of the school year beyond 180 days and the time of dismissal of pupils (RCW 28A.59.180, sec. 7). The power to specify vacation days is implied (AGO 59-60, No. 168).

346. To prohibit secret fraternities and sororities among the students in any schools of the district (RCW 28A.59.180, sec. 11, and Wayland v. Hughes, 43 Wash. 441).

347. To be exempt from compulsory consolidation because of city or town mergers or annexations (RCW 28A.57.150).

348. To select an auditing committee composed of board members to audit the accounts of the school district, provided that, the accounts and records of the board shall at all times be subject to the inspection and examination of the educational service district superintendent (RCW 28A.59.150).

CHAPTER 3

ADDITIONAL POWERS OF DIRECTORS OF SECOND CLASS DISTRICTS

A second class school district is one that has 1,999 students or less.

School boards of second class districts are empowered:

349. To close one of their grade schools which is economically unfeasible to operate, without submitting the matter to a vote of the people (AGO 61-62, No. 107). Relates to consolidated second class districts.

350. To encourage the wide use of school buildings for general community improvement and recreation and to employ leaders, supervisors, and teachers for that purpose (RCW 28A.60.190).

351. To construct buildings when authorized by the electors (RCW 28A.60.181). Includes teachers' cottages and their sites (RCW 28A.60.181; AGO 45-46:219). Teachers' quarters may be provided (AGO 45:321). Any second class school district with an enrollment of 300 students or less may provide housing for the superintendent (RCW 28A.60).

352. To purchase (or condemn and appropriate) land for any school district purpose without a vote of the electors (RCW 28A.60.181).

353. To elect, when the board organizes immediately after each director election, a board chairman (RCW 28A.60.010).

354. To hold board meetings wherever the board desires (AGO 4/2/41) but with advance public notice and access (RCW 42.30.080).

355. To prepare its preliminary budget not later than May 10, to advertise a public hearing on the budget and hold the hearing not later than

June 1, to approve the budget and forward it immediately to the educational service district superintendent (WAC 392-30-07 and RCW 28A.65.010, .070 and .100). Final budget to be reviewed and approved by the county review committee on or before September 30 (RCW 28A.65.110).

Also, if for any reason the preliminary or final budget of a school district has not been adopted or approved on or before the time limits provided for in RCW 28A.65, the board of directors of the school districts may make expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for the district's participation in joint purchasing agencies authorized by RCW 28A.58.107 during the interim period while the budget is being settled (RCW 28A.65).

356. To require the superintendent to notify the educational service district superintendent of any change in the chairman of the board within 10 days of the change (RCW 28A.60.070).

357. To employ a licensed physician or public health nurse to protect the children's health (RCW 28A.60.320).

358. To permit a student body to maintain lunch and candy counters in a school building for use of the pupils (Hempel v. S.D. No. 329, 186 Wash. 684).

359. To rent or lease and to make advance payments on property to be used for classrooms (AGO 53-54:108c).

360. To use school building funds for the specific purpose for which they were designated by the electors (AGO 6/24/46, p. 860) unless rescinded or altered by a subsequent vote of the electors (AGO 11/14/46, p. 1134).

361. To hold an election to validate a debt of the preceding school year caused by expenditures in excess of general fund revenues (Informal opinion 1/2/20 to Bureau of Inspection and Supervision of Public Offices).

CHAPTER 4

POWERS OF DIRECTORS OF JOINT OR CONSOLIDATED DISTRICTS

In common parlance, people speak of consolidated districts as being composed of two or more districts which have united to form an entirely new legal entity and of joint districts as being consolidated districts with portions of their territory in more than one county. As legal classifications, however, neither exist, and recent law uses care in not referring to them.

362. The legal powers of the school boards of "joint" or "consolidated" districts are identical with the legal powers of boards of original districts of the same class (RCW 28A.57.270).

CHAPTER 5

LIMITATIONS IMPOSED UPON SCHOOL BOARDS

"The powers of school officers being very broad, the courts will interfere if reasonable discretion and equity is not exercised" (Supreme Court, 22 Wash. (2nd) 887).

Powers are not only delineated by the laws specifying who may take certain actions but also by those statutes or decisions which impose limitations or prohibitions. This last chapter is concerned with what the law forbids school boards to do.

Boards may NOT:

363. Knowingly or negligently spend more than appropriated without being civilly liable, jointly and severally, for consequential damages or not less than $300 as liquidated damages for each violation. Also, any director or employee judicially determined to have wilfully violated this act immediately forfeits his office or employment (RCW 28A.65.170).

364. Exclude from school, except for disciplinary or health reasons, any child from an Indian reservation; military, naval, lighthouse, or other U.S. reservation; or national park or forest (RCW 28A.58.210).

365. Have any direct or indirect pecuniary interest in school district operations in excess of:
$100 per month for day labor
$200 per month for leases and sales
$200 per annual contract
(RCW 12.23.030 and AGO 61-62, No. 174).

366. Have a beneficial interest directly or indirectly in any contract which may be made for the benefit of his office, or to accept any compensation in connection with any such contract. (Does not apply to letting of any contract for the driving of a school bus in a second class school district provided the remuneration to the driver shall not exceed $3,600 in any calendar year) (RCW 28A.60).

367. Pay damages unless the district's liability has been established (Read v. S.D. No. 211, Lewis County, 7 Wash. (2nd) 502).

368. Contract indebtedness in excess of the total final budget under pain of forfeiture of office and personal liability for such overexpenditure (RCW 28A.58.130).

369. Knowingly or negligently aid in spending in excess of the district's revenue, under pain of $300 fine and forfeiture of office (RCW 28A.65.170).

370. Apply any public money or property to any religious worship, exercise or instruction (Constitution of the State of Washington, Article I and AGO 61-62, No. 119).

371. Permit the distribution of Gideon Bibles on school premises by either school employees or representatives of the Gideon Society (AGO 61-62, No. 118).

372. Participate in any way in the planning, promotion or execution of baccalaureate exercises which are religious in nature (AGO 61-62, No. 119).

373. Continue school when all sources of available revenue have been exhausted (RCW 28A.65.170).

374. Vote at a board meeting by proxy or in absentia (AGO 51-52:109c).

375. Discriminate because of age, sex, race, creed, color, or national origin (RCW 49.60.040 and .180).

376. Discriminate in employment because of age or religious affiliation so long as persons involved are between the ages of 40 and 65 and physically able to do the work (RCW 49.44.090 and 49.60.180). This does not affect reasonable and consistent compulsory retirement policies (RCW 28A.02.050).

377. Pay the expenses incurred by teacher applicants who come to the district for interviews (AGO 61-62, No. 155).

378. Provide medical payments to any student or other passenger injured by or through their operation, irrespective of liability, by purchasing accident insurance or paying the cost of any increased premium (AGO 59-60, No. 121). Exceptions: The school patrol and when the assenting students pay the additional cost (AGO 59-60, No. 121).

379. Purchase a house for the continued use of the superintendent of schools of a second class district with or without a vote of the electors (AGO 59-60, No. 116).

380. Withhold transmission of a student's transcript to another public school in the State of Washington because of the failure of the student to pay his obligations for fines, lost books, etc., before withdrawal (AGO 61-62, No. 48).

381. Make repairs and improvements to school district property, through their shop and repair department, if the total cost of the repairs or improvements will exceed the sum of $2,500 (AGO 61-62, No. 83).

382. Count out-of-state students for attendance apportionment credits (RCW 28A.58.250).

383. Bond their districts in excess of 1½ percent of the assessed valuation of the taxable property in the school district (Constitution of the State of Washington, Amendment 27).

384. Transfer general fund money to the building fund (RCW 43.09.210; AGO 45-46:990).

385. Enter into a brokerage contract for the sale of bonds after advertisement has resulted in no bids (S.D. 20, Walla Walla Co. v. Union Trust, 124 Wash. 501).

386. Refund bonds through annual excess levies (AGO 43-44:102) although they may issue refunding bonds for exchange (RCW 28A.51. .180)

387. Use general fund surpluses to redeem bonds (AGO 47-48:106e).

388. Own or control real property jointly except land and facilities for recreational purposes and facilities for the education of handicapped students (RCW 28A.13.030).

389. Condemn lands already devoted to public use (AGO 55-57, No. 335).

390. Fail to use reasonable care and prudence in supervising students (Briscoe v. S.D. 123, Grays Harbor Co., 32 Wash. (2nd) 353).

391. Exclude a student from school solely because he is married (AGO 51-53, No. 366).

392. Use fuel produced outside the State of Washington unless the cost of heating by Washington fuel exceeds by more than 5 percent the cost of heating by fuels produced outside the state (RCW 39.24.020).

393. Permit cruel or unusual punishment (WAC). Maltreatment abuse, unjust punishment or punishment of pupils about the head or face is a misdemeanor (RCW 28A.87.140). Force may be used but it must be reasonable and moderate (RCW 9.11.040).

394. Use district funds to pay for preparing and distributing information to influence the outcome of a school district election (RCW 28A.58 .610).

395. Use district funds to influence legislation (Port of Seattle ex. rel. Dunbar v. Lamping, 135 Wash. 569 and State ex. rel. Rice v. Bell, 124 Wash. 647).

396. Engage workmen to construct, repair, or add to school buildings or purchase supplies, equipment or furnishings without competitive bidding if the expenditure exceeds $2,500 (RCW 28A.58.135 and AGO 57-58, No. 116).

397. Require a teacher to teach school on Saturday, Sunday, Labor Day, Veterans' Day, Christmas Day, Thanksgiving Day, the day immediately following Thanksgiving, New Year's Day, Washington's birthday, Memorial Day or the Fourth of July (RCW 28A.02.061). School

boards may not conduct school on Saturday, even on a voluntary basis, and continue to qualify for regular apportionment credit (AGO 57-58, No. 186).

398. Employ or permit to attend school any teacher, pupil, or janitor who has a contagious or infectious disease (RCW 28A.31.010).

399. Establish a high school until it has been approved by the State Board of Education (RCW 28A.04.120, sec. 5; State ex. rel. Dupont, etc. v. Bruno, 62 Wash. (2nd) 790; WAC 180-30-015). Relates to non-high school districts only.

400. Be immune from liability for student athletic activities where there is negligent supervision (Barnecutt v. Seattle S.D., 63 Wash. (2nd) 905; Tardiff v. Shoreline S.D. et al, 68 Wash. (2nd) 146). Also, a district must observe the care, precaution and vigilance which circumstances demand in providing for the safety of persons invited to athletic contests (Perry v. Seattle S.D. No. 1, 66 Wash. (2nd) 786).

401. Participate in joint financing plans unless the State Board of Education determines that the plans are satisfactory and equitable (State ex. rel. Cosmopolis Consol. S.D. 99 v. Bruno, 61 Wash. (2nd) 461).

402. Hold the office of county commissioner in counties in which federal forest or public utility district funds are disbursed to school districts (AGO 65-66, No. 7).

403. Provide health or group medical insurance when existing employees' contracts do not provide in any manner for such insurance. The benefit must be equal for all (AGO 65-66, No. 1).

404. Claim shared-time attendance monies unless students attend for a school day as defined by RCW 28A.01.010 (AGO 63-64, No. 130).

405. Purchase hospitalization and medical insurance for employees under a "franchise plan" (AGO 63-64, No. 122).

406. Refuse to make an employers' contribution to the state employees' retirement system for past services rendered since April 1, 1949. The obligation may be spread over a fifteen-year period (AGO 65-66, No. 21 and RCW 41.40.410).

407. Discriminate on the basis of sex for any student in grades K-12 in the state's public schools. Requires the State Superintendent of Public Instruction to develop rules to eliminate sex discrimination (Ch. 226, L. '75, 1st ex. sess.).

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